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Attorney Docket No.: AM100123

PATENT

#12
OM
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bigbie., *et al*

Serial No.: 09/840,485

Group Art Unit: 1645

Filed: April 23, 2001

Examiner: Khatol Shahan-Shah, BS, Pharm, MS

For: EQUINE PROTOZOAL MYELOENCEPHALITIS VACCINE

Confirmation No.: 5730

Customer No.: 25291

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

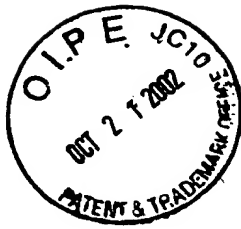
October 21, 2002

Sir:

This replies to the (non-final) Office Action/Restriction Requirement mailed September 19, 2002, now due without extension on October 21, 2002, the 19th of October being a Saturday.

REMARKS

The currently pending Office Action (Paper No. 11), on the page entitled Office action Summary, acknowledges and responds to applicants' several communications, filed, per the Summary, on 12/27/01, 4/19/02 and 7/10/02, and refers to the current claims pending as claims 1-22. On pages 2-3 of the Office Action, inter alia, acknowledgement is made that certain prior substantive rejections to claims 23 and 23-25, under 35 USC 112, ¶1, and 35 USC 102(b), have been rendered moot; and that the substantive rejections of claims 1 and 3-11, claim 2, and claims 12-22 under 35 USC 102(b) over one or more of Marsh ('737 patent and/or WO '927), Granatstrom, and Azumendi have been withdrawn in view of applicants' response(s).



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TECH CENTER 1600/2900

Docket No: AM100123
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: **Bigbie et al.**
Serial No.: **09/840,485** Group No.: **1645**
Filed: **April 23, 2001** Examiner: **Khatol Shahan-Shah**
For: **EQUINE PROTOZOAL MYELOENCEPHALITIS VACCINE**
Confirmation No.: **5730**
Customer Number: **25291**

CERTIFICATE OF EXPRESS MAIL

"Express Mail" Mailing Label No.: **EV 100600492 US**
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I hereby certify that this and the below-identified document(s) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section §1.10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, Washington, DC 20231:

Documents:

1. **Reply to Restriction Requirement**

Cecilia Chessell

Type or print name of person
signing certification

Cecilia Chessell

Signature

October 21, 2002

Date